

CAUSE NO. _____

REINA HERNANDEZ DE GOMEZ,	§	IN THE DISTRICT COURT OF
	§	
PLAINTIFF,	§	
	§	
v.	§	HARRIS COUNTY, TEXAS
	§	
COSTCO WHOLESALE, INC.,	§	
	§	
DEFENDANT.	§	_____ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION AND FIRST SET OF DISCOVERY

Plaintiff Reina Hernandez De Gomez ("Plaintiff") complains of Costco Wholesale, Inc., ("Defendant") and would respectfully show unto the Court:

**I.
DISCOVERY LEVEL**

1. Plaintiff intends to conduct discovery in this matter under Level 3 of the Texas Rules of Civil Procedure.

**II.
JURISDICTION AND VENUE**

2. The claims asserted arise under the common law of Texas.
3. Venue is proper because all or a substantial part of the events giving rise to the incident made the basis of this case occurred in Harris County, Texas.
4. Plaintiff seeks recovery of damages within this Court's jurisdictional limits.

**III.
STATEMENT REGARDING MONETARY RELIEF SOUGHT**

5. Pursuant to Texas Rule of Civil Procedure 47(c), Plaintiff seeks only monetary relief of \$100,000.00 or less, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney's fees and judgment for all other relief to which Plaintiff is justly entitled.

6. Plaintiff further pleads that the amount in controversy does not exceed \$75,000.00.

IV. PARTIES

7. Plaintiff is a resident of Harris County, Texas.

8. Defendant Costco Wholesale, Inc., is a Washington corporation and is doing substantial business in the state of Texas. Defendant Costco Wholesale, Inc., may be served through its registered agent CT Corporation at 1999 Bryan St., Ste. 900, Dallas, Texas 75201.

9. To the extent that an above-named Defendant is conducting business pursuant to a trade name or assumed name, then suit is brought against it pursuant to the terms of Rule 28 of the Texas Rules of Civil Procedure, and Plaintiff hereby demands that upon answering this suit, they answer in their correct legal name and assumed name.

V. FACTS

10. On or about July 19, 2019, Plaintiff was shopping at Costco located at 14303 Rosehill Estate Lane in Cypress, Harris County, Texas. While Plaintiff was speaking to the manager at a cash register, another Costco employee was speeding down the aisle while pushing a large flatbed cart. Due to apparent inattention, the employee hit the back of Plaintiff's left ankle and foot. As a result of the incident, Plaintiff suffered severe and lasting physical injuries.

VI. CAUSES OF ACTION

A. Premises Liability

11. Defendant owned, occupied, and controlled the area where Plaintiff was injured.

12. The condition of the area where Plaintiff sustained his injuries posed an unreasonable risk of harm and Defendant had actual knowledge or reasonably should have known

of the unreasonably dangerous condition. Moreover, Plaintiff did not have actual knowledge of the unreasonable dangerous condition.

13. Plaintiff was an invitee who entered Defendant's premises with Defendant's knowledge and for their benefit. Defendant had a duty to warn Plaintiff of unreasonably dangerous conditions upon their premises or to make the unreasonably dangerous condition safe. Defendant breached this duty by failing to warn Plaintiff of the known unreasonably dangerous condition and by failing to make the unreasonably dangerous condition reasonably safe. Defendant retained control over the security and safety of the premises and knew of the risk of harm of the unreasonably dangerous condition that was both foreseeable and unreasonable.

VII. DAMAGES

14. Plaintiff is entitled to recover for her actual damages including past and future medical care, loss of earning capacity, lost wages, past and future pain and suffering, past and future mental anguish.

VIII. JURY DEMAND

15. Plaintiff hereby requests trial by jury and remits the appropriate fee herewith.

IX. PRAYER

16. Plaintiff respectfully requests that this matter be tried to a jury, and that they recover the following from Defendant:

- a. Past and future medical damages;
- b. Past and future loss of earning capacity;
- c. Past and future physical pain and suffering;
- d. Past and future mental anguish;

- e. Past and future impairment;
- f. Disfigurement;
- g. Past lost wages;
- h. Prejudgment interest;
- i. Post-judgment interest;
- j. Costs of Court; and
- k. All other relief to which Plaintiff is justly entitled, either at law or in equity.

**X.
RULE 193.7 NOTICE**

17. Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Plaintiff hereby gives actual notice to Defendant that any and all documents produced may be used against the Defendant at any pre-trial proceeding and/or at the trial of this matter without the necessity of authenticating the documents.

**XI.
DISCOVERY TO DEFENDANT**

18. Plaintiff refers Defendant to the attached Interrogatories, Request for Production, Request for Admissions, and Request for Disclosure, and notifies Defendant that a response is required within fifty (50) days of service of these requests. *See* Exhibit A.

Respectfully submitted,

PIERCE SKRABANEK, PLLC

/s/ Michael L. Grinsfelder

M. PAUL SKRABANEK

State Bar No. 24063005

MICHAEL L. GRINSFELDER

State Bar No. 24080919

3701 Kirby Drive, Suite 760

Houston, Texas 77098

Telephone: (832) 690-7000

Facsimile: (832) 616-5576

E-mail: paul@pstrialaw.com

mgrinsfelder@pstrialaw.com

E-mail for Service: service@pstrialaw.com

ATTORNEYS FOR PLAINTIFF